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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,513	01/23/2002	Anthony Brennan	1442026	9358
23405 7590 02/12/2008 HESLIN ROTHENBERG FARLEY & MESTI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
EXAMINER				
FETSUGA, ROBERT M				
ART UNIT		PAPER NUMBER		
3751				
MAIL DATE		DELIVERY MODE		
02/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10055513	1/23/2002	BRENNAN ET AL.	1442026

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EXAMINER

Robert M.. Fetsuga

ART UNIT	PAPER
3751	20080211

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Commissioner for Patents

The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim(s) 1, 24, 28, 34 and 40, but reversed all rejections against claim(s) 6, 8, 9, 11-17, 23, 26, 27, 30 and 41 dependent thereon. There are no allowed claims in the application. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

The proposed amendment filed January 29, 2008 is noted. However, it appears only claim 1, as amended, would comply with the requirements supra. Consequently, the proposed amendment will not be entered. Moreover, the allowable dependent claims noted above are not exclusive of any claimed species. Therefore, the species election imposed November 07, 2002 is hereby rescinded as the previously withdrawn species claims would depend from allowable generic claims.

/Robert M. Fetsuga/
Primary Examiner, Art Unit 3751